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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/314,424 05/18/99 BURKE

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TM02/0329

EXAMINER

JANVIER, J

ART UNIT	PAPER NUMBER
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2162

DATE MAILED:

03/29/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/314,424

Applicant(s)

BURKE, BERTRAM V.

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The abstract of the invention is not descriptive. The abstract substantially recites claim 1 of the instant Application. A new abstract is required that is clearly indicative of the invention to which the claims are directed.

On page 2, line 19, "a entry" should have been --an entry--. Appropriate correction is requested.

Claim Objections

Claim 1 is objected to because of the following informalities:

As per claim 1, line 24, "the merchan" should apparently be --the merchant--. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke, U.S. Patent 5,621,640, published on April 15, 1997.

As per claim 1, Burke teaches a method comprising the steps of:

1.

Providing each of a plurality of supporters **or donors** with an individual identification number (ID) **DC1 of fig. 2 or DC2 of fig. 3**. See column 3 and third paragraph;

Entering the (ID) **DC1 or DC2** into an entry terminal **such as Card Reader CDX or Bar Code Reader BCRX of fig. 1**;

Entering an amount spent by a supporter **or donor** at a merchant in a transaction using **Cash Register CRX POS as depicted in fig. 1**. See columns 2-3 and lines 51-72;

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Having the entry terminal **Card Reader CDX or Bar Code Reader BCRX of fig. 1** record the (ID) **DC1 or DC2** as well as the amount of dollars spent in a transaction **into the Cash Register CR1 of fig. 1, which in turn sends the data to CC (central computer) to be stored in DS (data storage) of fig. 1**; See columns 2-3 and lines 51-85;

Burke does not expressly disclose the involvement of a clearinghouse in uploading the (ID) and the amount spent by specific donors at a merchant's store, reporting all transaction to a merchant for having the merchant send a rebate to a non-profit organization and sending reports to the non-profit organization as to the amount of money spent by supporters or donors at the merchant's store. However, it is understood that the use of a clearinghouse in processing coupon, rebate and voucher redemption data, in a manner well known to those skilled in the art, so that payments can be made to respective parties involved in a particular marketing scheme, such as Cross-selling products, is very popular in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a third party such as a clearinghouse along with Burke's system so as to upload donors' transaction data including IDs into a clearinghouse computer using the merchant's POS communication system (CS) as depicted by Burke in fig.1, thereby allowing the clearinghouse, upon filtering the data, to report all transaction information back to the merchant's POS central computer CC of fig. 1 via the communication system (CS) in real time so that the merchant can send a rebate to a non-profit organization. This setup significantly reduces not only overhead cost, but also the amount of paper work involved in processing hundreds of donors' or supporters transactions since the whole process is done electronically and in real time. Having a clearinghouse sort out and

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electronically send data back to the merchant's POS central computer helps increase the efficiency of the system.

Moreover, the clearinghouse system can electronically upload a report into a particular non-profit organization or a Church Computer CHy of fig. 1 regarding the amount of spending completed by the supporters or donors at a given merchant's POS. Upon receiving the report, the Church Treasurer will be able to figure out which Church members have been actively supporting the merchant and communicate this information to the Pastor, who in turn will encourage other members to support this particular merchant since the more they spend at the store, the more donations the Church will receive. Sponsoring the store helps the Church raise a great deal of money to support its programs without having to ask the congregation for money. Finally, using this report, the Church Treasurer can compute the amount of money a particular Church member has contributed to the Church through this sponsorship program including other donations so that he can provide, at the end of the year, the member with a receipt, which will allow him or her to deduct the accumulated total upon filing his or her income tax return.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

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by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 305-3900.

3/23/01

A handwritten signature in black ink, appearing to read "Eric W. Stamber". The signature is fluid and cursive, with the first name "Eric" and last name "Stamber" clearly distinguishable.

ERIC W. STAMBER
PRIMARY EXAMINER